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SUBJECT: HOLY TRADEMARK INFRINGEMENT! IT'S BATMAN VS. BATMAN

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[1](#). SUMMARY. In a story that received a great deal of play in the blogosphere and in both the U.S. and Turkish press (including mention on CNN and in Variety), Huseyin Kalkan, mayor of the small Turkish city of Batman, has announced plans to sue Warner Brothers and director Christopher Nolan for unauthorized use of the city's name in the recent box office hit "The Dark Knight." The merits of the case are murky at best, but the fact that a mayor in eastern Turkey is contemplating a trademark infringement case demonstrates a growing awareness in Turkey that Turkish rights holders also have a stake in IPR enforcement. END SUMMARY.

POW! Batman Planning to Sue Batman

[2](#). Huseyin Kalkan, mayor of the small eastern Turkish city of Batman, recently informed the press that the city is planning to file a lawsuit against the movie studio Warner Brothers and director Christopher Nolan for using the city's name without permission in the movie "The Dark Knight," claiming that the city of Batman has a unique right to the name "Batman." The mayor admitted that the idea for the lawsuit came from an English columnist, who had suggested using some of the film's revenues (now approaching the billion-dollar mark) to help reduce the city's high female suicide rate and eliminate the growing problem of street children. (Comment: The mayor's statement appears to have been lost in translation when the story hit the U.S. press, with multiple media outlets reporting that the mayor was actually blaming the movie for the female suicide rate as well as a series of unsolved murders. This view is not supported by the mayor's comments to the Turkish press. End comment.)

[3](#). Kalkan is reportedly still mulling over whether to open the lawsuit in the United States or in Turkey, but noted to the press that his legal advisors have suggested that the U.S. would be the more appropriate venue, as that is where the "crime" was committed. He has stated, however, that he is willing to open a case in Turkey if that becomes necessary.

BIFF! (Turkish) Batman's Not So Secret Origin Undercuts Claim

[4](#). Although Kalkan is confident that the city will be victorious no matter where the case is heard, there is ample reason to doubt the merits of the suit. One reason is that the superhero may actually predate the name of the town. The "Batman" comic book series began in 1939, whereas the city did not take the Batman name until 1955, when the existing town of Iluh was renamed and incorporated as a county. The mayor is attempting to collect evidence that the name was used earlier in reference to the town, but the historical record seems to be against him (as is his city's own website, which details the history of the town and has the year 1955 emblazoned in the city seal). The nearby

Batman River (from which the city takes its name) may have more cause for complaint, but it is unclear who could legitimately represent it and its name is a shortening of "Bati Raman" (or "West Raman"), referring to its geographic location west of Raman Mountain.

¶5. In addition to these historical problems, Kalkan will face the more daunting issue that his case has little grounding in trademark law, according to Vehbi Kahveci, head of the Istanbul Bar Association's Intellectual and Industrial Property Rights Commission (and Warner Brothers' legal representative in Turkey). The name of a local region cannot be used as a brand name under existing law, Kahveci observed, meaning that the city has no unique right to the name. In addition, according to Kahveci, the "Batman" trademark and image were registered worldwide and the timeframe for the city to complain about infringement has long since expired. He also noted that neither he nor Warner Brothers has received any communication from Mayor Kalkan.

OUCH! Batman's Dark Side (The City, That is...)

¶6. While the case itself may end up being frivolous, the very real problem of a high female suicide rate in Batman is not. An article in the New York Times in 2006 highlighted the growing frequency of "honor suicides" in the region, where family members who would traditionally have simply killed a daughter who brought shame to the family are now "encouraging" the daughters to kill themselves, thereby avoiding punishment under Turkish law (see reftels for more on honor killings in Turkey and the recent spread of the

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phenomenon to the western part of the country). Comment: Taking the mayor at his word that any funds won in court would be used to help stop this problem, the goal of the lawsuit is commendable, even if the means are questionable (not unlike the Dark Knight himself). End comment.

KAPOW! IPR Protection is Receiving Attention ...

¶7. It is ironic that the city is considering a trademark suit against the makers of the only major Batman movie that does not actually contain the word "Batman" in the title. But if nothing else, the case is a positive sign that awareness of intellectual property rights enforcement has spread even to the remote southeast of Turkey and that Turks are recognizing that they too may own valuable intellectual property. In a country where the knee-jerk reaction is often to ban anything that offends local sensibilities (YouTube, CNN, et al.), it is also refreshing to see a Turkish official taking a different approach - although in this case the foreign media may cast him in the role of the Joker rather than the Caped Crusader.

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